

Background: As follow up to congressional comments during a recent hearing we have been reviewing California's performance implementing federal environmental statutes. The results of the review are concerning, and we are preparing a letter to the State asking how they intend to remedy these issues.

Issues

Air:

- California has the worst air quality in the United States, and they have the most state implementation plans (air quality improvement plans) that have been filed with EPA that are deficient or unprovable.
- Many of these plans have been sitting with EPA for years. Each of these plans is supposed to demonstrate how it will improve air quality to meet health-based standards. They are deficient because they fail that test.
- We are collecting all deficient plans with the goal of issuing letters disapproving many, if not all of them.
- These plans are not generally put together by CalEPA but by local air quality districts.

Water:

San Francisco and Los Angeles

- CalEPA is responsible for overseeing San Francisco's compliance with Clean Water Act and we are responsible for making certain California is doing its job.
- The City of San Francisco's combined sewer system discharges untreated and partially treated sewage into San Francisco Bay at 36 locations.
- The problem is failure to upgrade and maintain the system as necessary to handle increased flows.
- This is a violation of the Clean Water Act that the State of California has not addressed.
- San Francisco also has a homeless problem that according to press reports is causing a water quality problem. Human Waste is being discharged into sewers that flow directly into the San Francisco bay along with drug paraphernalia. Exacerbating the previously described sewage issue in San Francisco.
- Los Angeles also has a significant homeless problem. As part of a larger federal delegation we are sending staff to LA next week to get a firsthand look at the extent of the problem and its environmental impact.
- In the case of Los Angeles drug paraphernalia and human waste is being deposited into storm sewers that discharge directly into the Los Angeles River and ultimately the Pacific Ocean. During this visit our staff will be looking at this issue to see if press reports about the extent of the problem are accurate.
- California is also running the federal water permitting program and we have questions about how good a job they are doing. Just one example is the City of Los Angeles which exceeded its permit limit for a contaminant which is a probable human carcinogen by 442%.
- We are preparing a letter to the State of California demanding an explanation and remedial plan for these issues. We may send a separate letter on the San Francisco sewer issue, but we will address it.

Message

Sent: 9/19/2019 12:04:37 PM
Subject: FW: Responses

From: Benevento, Douglas
Sent: Thursday, September 19, 2019 8:00 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Responses

See below, the question has arisen whether San Francisco's system is effectively treating all effluent in its system. If this ok Corry will you make sure he has it.

Please see below. The President told the WH traveling press that EPA would be sending San Francisco a notice of violation soon.

Responses to questions:

Ex. 5 Deliberative Process (DP)

Message

Sent: 9/25/2019 2:49:26 AM
To: Ross, David P [ross.davidp@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: Cal Letter and Press Release
Attachments: California Water Letter - Final - September, 2019.docx

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should amend.

Get it to Beth White who can put it on letterhead.

Per Corry, the Post will get this letter at noon and it will be embargoed.

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Tuesday, September 24, 2019 10:24 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>

> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

>

> On the letter, the last version I saw

Ex. 5 Deliberative Process (DP)

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> Your note says

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

> I need a copy of the signed letter before I talk to press.

>

> -----Original Message-----

> From: Benevento, Douglas <benevento.douglas@epa.gov>

> Sent: Tuesday, September 24, 2019 7:24 PM

> To: Forsgren, Lee <Forsgren.Lee@epa.gov>

> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

> Subject: Re: Cal Letter and Press Release

>

> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

>

> Sent from my iPhone

>

>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

>>

>> Doug

>>

>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

>>

>> Lee

>>

>> Sent from my iPhone

>>

>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

>>>

>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

>>>

>>> -----Original Message-----

>>> From: Ross, David P <ross.davidp@epa.gov>

>>> Sent: Tuesday, September 24, 2019 2:22 PM

>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>

>>> Subject: Cal Letter and Press Release

>>>

>>> Deliberative; Pre-Decisional

>>>

Ex. 5 Deliberative Process (DP)

>>>

>>> I'm turning my attention to the TPs now.

>>>

>>> Sent from my iPad

> <Water TPs spb edits.docx>

Message

Sent: 9/19/2019 11:59:05 AM
To: Bodine, Susan [bodine.susan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: Responses

See below, the question has arisen whether San Francisco's system is effectively treating all

Please see below. The President told the WH traveling press that EPA would be sending San Francisco a notice of violation soon.

Responses to questions:

Ex. 5 Deliberative Process (DP)

Message

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 9/6/2019 1:11:00 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: Draft California Letter
Attachments: California Letter - Revised (002)- dlf.docx

David,

I only have a couple of small suggested edits. Take a look and see what you think.

Lee

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 5, 2019 8:21 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Draft California Letter

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Hi, Doug.

Attached is a draft letter to California identifying deficiencies in the State's CWA and SDWA programs. In assembling the letter, I worked from the draft letter that Lee provided to me as well as the background materials you sent. Matt has reviewed the letter and his comments are reflected in this draft. I defer to you as to who else should review, although I included one comment in the draft identifying a statement taken from the background materials that OECA should confirm it is comfortable with including.

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions or need anything else. Thank you.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 9/26/2019 5:43:55 PM
To: Bodine, Susan [bodine.susan@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: RE: Summary of CA questions from media

Susan,

This is an incredibly helpful and I'm learning more about enforcement by the minute. :)

After chatting with Lee and Pat, here's where we stand (see below). In a nutshell, we are done with our first round of questions. -Allison

Law360- We have everything we need know to respond (Letter + proposed response)

E&E has been taken care of (I worked with Pat to deliver our standard enforcement response).

NYT – We will provide the reporter with a link to SDWIS.

Courthouse news: We will use your proposed response (Note: I'll spell out the acronyms).

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, September 26, 2019 1:09 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Re: Summary of CA questions from media

Allison,

On any enforcement questions: we do not confirm or deny the existence of any enforcement actions. George: what is the standard response?

Law360 - just sent an email on that

NYT - I don't have that data. OW could pull it from SDWIS- provide reporter link to sdwis.

E&E - we don't comment on enforcement or confirm potential enforcement

Courthouse news: The Administrator has asked his staff to present him with options. There is no link to highway funding and CWA or SDWA programs. Those programs are not related to the management of water. That is a wholly state function. The CWA and SDWA are related to the protection of the environment and public health.

Sent from my iPad

On Sep 26, 2019, at 10:03 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

I understand Doug, Susan and Lee will gather soon. Here is the list of all outstanding media questions to answer.. I look forward to hearing from you all on proposed responses to these questions. -Allison

Law360:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
- 2) The letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

NYT:

- 1) Several people have told me that the exceedances in Louisiana and Texas for lead and arsenic levels are far higher than California. Can you please provide me with numbers for those two states?

E&E:

- 1) Are there any current NPDES violations by San Francisco? It sounded at one point like Susan was saying that the concern is that the permits are not adequate, rather than there being a violation, but I wanted to confirm that.
Allison's proposed response: On September 26, 2019, EPA sent a letter to California Governor Newsom regarding federal Clean Water Act and Safe Drinking Water Act deficiencies. EPA is not taking enforcement action at this time.

Courthouse News:

- 1) I was on this phone call this AM – could you clarify this statement? What exactly are the possible consequences of failing to address the issue? As I've got in my notes it includes removing the state's authority to manage their water?

Withholding federal highway funds? Similar action on this issue?

"Put together options" for wheeler. "Taking direct action is always an option on the enforcement side... on programmatic side... [if they are] not meeting basic floor needed for the authorization of delegation of authorities"

"Those are options, all of that is predicated on what they are prepared to do to address these problems."

- 2) Are you all suggesting you'll take away the state's power to manage their water? I just want to clarify.

Gannett:

- 1) The president last week was quoted in an AP story saying this:
"You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."
Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.

Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985
Cell: Ex. 6
Dennis.Allison@epa.gov

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 9/6/2019 10:02:41 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Consolidated version
Attachments: Edits to California Letter - Revised (004)- dr dlf.docx

Doug:

Justin and I have reviewed this latest draft and tracked our comments in the attached version. Please let me know if you have any questions or need anything else from us; thank you.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Friday, September 6, 2019 5:03 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: Consolidated version

I agree with Susan.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 6, 2019 5:00 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: Consolidated version

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Friday, September 6, 2019 4:55 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: Consolidated version

Doug,

Attached are Dave Ross and my comments.

Lee

From: Benevento, Douglas <benevento.douglas@epa.gov>

Sent: Friday, September 6, 2019 4:01 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>

Subject: Consolidated version

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

All, I have done my best to consolidate the different suggestions to the letter. If you have a recommendation that was no incorporate please don't assume it was rejected, if you feel strongly about it let me know, I may just have missed it.

Justin, I apologize I should have emailed this to you as well.

Ex. 5 Deliberative Process (DP)

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If the rest of you would also please look at it again an make any substantive or stylistic changes I would appreciate it. It does need to be accurate.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David, if you would just review one last time to ensure it is in decent shape I would appreciate it.

Thanks,

Doug

Message

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 9/6/2019 8:54:32 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: RE: Consolidated version
Attachments: California Letter - Revised (004)- dr & dlf.docx

Doug,

Attached are Dave Ross and my comments.

Lee

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, September 6, 2019 4:01 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>
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Thanks,

Doug

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 9/6/2019 8:49:11 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: RE: Consolidated version
Attachments: California Letter - Revised (004)-.docx

Ex. 5 Deliberative Process (DP)

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, September 6, 2019 4:01 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: Consolidated version

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Ex. 5 Deliberative Process (DP)

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David, if you would just review one last time to ensure it is in decent shape I would appreciate it.

Thanks,

Doug

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 9/6/2019 7:22:19 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: California Letter
Attachments: California Letter - Revised (003)- dhb spb 2.docx

Ex. 5 Deliberative Process (DP)

See attached.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan
Sent: Friday, September 6, 2019 2:28 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: California Letter

Attached are my suggested edits with explanatory comment bubbles.

Ex. 5 Deliberative Process (DP)

Susan

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, September 6, 2019 12:18 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: California Letter

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Attached is the letter with some revisions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Doug

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 10/1/2019 3:19:24 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Block, Molly [block.molly@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Re: Media question

Got it.

Sent from my iPhone

On Oct 1, 2019, at 11:18 AM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Also our letter is clear, we looked at California's compliance rate for CWA and SDWA based upon; 1. A question he received from Rep. Nanette Barragan at a hearing he was testifying at, she raised DW issues with him, California also came to our attention because of significant issues with San Francisco's municipal storm water systems and issues raised in the press regarding the environmental impact of their homeless problem.

The letter is clear on these points.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, October 1, 2019 11:13 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Media question

We could use this line:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, October 1, 2019 11:11 AM
To: Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Media question

Ex. 5 Deliberative Process (DP)

Susan

From: Block, Molly <block.molly@epa.gov>

Sent: Tuesday, October 1, 2019 11:06 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>;

Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: Media question

Susan /Dave –

Administrator Wheeler is speaking at the lead forum shortly and will be getting questions from the press. One of the members of the press tweeted the other day on non-compliant wastewater treatment plants, specifically highlighting Missouri. we'd like some info to push back on this. Do you have a response?

<image001.png>

Thanks!

Molly

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/26/2019 5:17:33 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Summary of CA questions from media

Fyi. We're working on this now.

Sent from my iPhone

Begin forwarded message:

From: "Dennis, Allison" <Dennis.Allison@epa.gov>
Date: September 26, 2019 at 10:03:34 AM PDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Cc: "Ross, David P" <ross.davidp@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Egan, Patrick" <egan.patrick@epa.gov>
Subject: Summary of CA questions from media

I understand Doug, Susan and Lee will gather soon. Here is the list of all outstanding media questions to answer.. I look forward to hearing from you all on proposed responses to these questions. -Allison

Law360:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
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E&E:

- 1) Are there any current NPDES violations by San Francisco? It sounded at one point like Susan was saying that the concern is that the permits are not adequate, rather than there being a violation, but I wanted to confirm that.
Allison's proposed response: On September 26, 2019, EPA sent a letter to California Governor Newsom regarding federal Clean Water Act and Safe Drinking Water Act deficiencies. EPA is not taking enforcement action at this time.

Courthouse News:

- 1) I was on this phone call this AM – could you clarify this statement? What exactly are the possible consequences of failing to address the issue? As I've got in my notes it includes removing the state's authority to manage their water?

Withholding federal highway funds? Similar action on this issue?

"Put together options" for wheeler. "Taking direct action is always an option on the enforcement side... on programmatic side... [if they are] not meeting basic floor needed for the authorization of delegation of authorities"

"Those are options, all of that is predicated on what they are prepared to do to address these problems."

- 2) Are you all suggesting you'll take away the state's power to manage their water? I just want to clarify.

Gannett:

- 1) The president last week was quoted in an AP story saying this:
"You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."
Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.

Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985
Cell: Ex. 6 Personal Privacy (PP)
Dennis.Allison@epa.gov

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/8/2019 1:44:57 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: RE: Draft Final

Thanks

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Saturday, September 7, 2019 6:20 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Draft Final

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 7, 2019, at 8:04 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Ok. I'll check that. **Ex. 5 Deliberative Process (DP)** Thanks

Sent from my iPhone

On Sep 7, 2019, at 5:36 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 6, 2019, at 6:21 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Here is where we stand;

I took most changes in total, with the exception of changes to the first paragraph. In that paragraph I attempted to merge together different suggestions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Other than that I edited it for clarity and attempted to make it an easier read.

My plans are to forward this tomorrow, so if any part of my changes or any other aspect of the letter is problematic let me know before noon eastern tomorrow. If there are none I will assume we are all in agreement.

Thanks for your time on, I really do appreciate.

Doug

<Draft Final - California Letter.docx>

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/6/2019 8:00:40 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Woods, Clint [woods.Clint@epa.gov]
Subject: Consolidated version
Attachments: California Letter - Revised (004)- dhb spb 2.docx

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

All, I have done my best to consolidate the different suggestions to the letter. If you have a recommendation that was no incorporate please don't assume it was rejected, if you feel strongly about it let me know, I may just have missed it. Justin, I apologize I should have emailed this to you as well.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

If the rest of you would also please look at it again an make any substantive or stylistic changes I would appreciate it. It does need to be accurate.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David, if you would just review one last time to ensure it is in decent shape I would appreciate it.

Thanks,

Doug

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 10/1/2019 3:32:07 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Block, Molly [block.molly@epa.gov]; Ross, David P [ross.davidp@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Media question

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, October 1, 2019 11:21 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Media question

Ex. 5 Deliberative Process (DP)

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, October 1, 2019 11:19 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Media question

Also our letter is clear, we looked at California's compliance rate for CWA and SDWA based upon; 1. A question he received from Rep. Nanette Barragan at a hearing he was testifying at, she raised DW issues with him, California also came to our attention because of significant issues with San Francisco's municipal storm water systems and issues raised in the press regarding the environmental impact of their homeless problem.

The letter is clear on these points.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, October 1, 2019 11:13 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Media question

We could use this line:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, October 1, 2019 11:11 AM

To: Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Subject: RE: Media question

Ex. 5 Deliberative Process (DP)

sources,

Susan

From: Block, Molly <block.molly@epa.gov>

Sent: Tuesday, October 1, 2019 11:06 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: Media question

Susan /Dave –

Administrator Wheeler is speaking at the lead forum shortly and will be getting questions from the press. One of the members of the press tweeted the other day on non-compliant wastewater treatment plants, specifically highlighting Missouri. we'd like some info to push back on this. Do you have a response?



David Schultz @davidbschultz · Sep 26

Obligatory caveats: I don't know the size of these treatment plants, so it's possible that California's 26 dump more total pollution than Missouri's 300+.

1 1 1

Show this thread



David Schultz @davidbschultz · Sep 26

...they're not. There are more than two dozen states with more wastewater treatment plants in significant non-compliance than California.

Some states have much more than 26 plants. Missouri, at the top of the list, has +300.

6	Row Labels	Count of CWPSNCStatus
7	MO	333
8	IA	248
9	TX	214
10	OH	193
11	WV	133
12	IL	128
13	WA	125
14	ND	106
15	NE	90

Thanks!

Molly

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 10/1/2019 3:27:21 PM
To: Bodine, Susan [bodine.susan@epa.gov]; Block, Molly [block.molly@epa.gov]; Ross, David P [ross.davidp@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: Media question

Yes, what Susan has is accurate and among the issues that brought CA to our attention.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, October 1, 2019 11:16 AM
To: Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Media question

For example, in Missouri, Saint Louis and Kansas City are under multi-billion dollar consent decrees to address their combined sewer overflows and sanitary sewer overflows, but San Francisco is still discharging over a billion gallons a year of partially treated and sometimes raw sewage into the San Francisco Bay and the Pacific Ocean from over 30 locations, including next to beaches.

From: Bodine, Susan
Sent: Tuesday, October 1, 2019 11:11 AM
To: Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Media question

Ex. 5 Deliberative Process (DP)

Susan

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, October 1, 2019 11:06 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Media question

Susan /Dave –

Administrator Wheeler is speaking at the lead forum shortly and will be getting questions from the press. One of the members of the press tweeted the other day on non-compliant wastewater treatment plants, specifically highlighting Missouri. we'd like some info to push back on this. Do you have a response?



David Schultz @davidbschultz · Sep 26

Obligatory caveats: I don't know the size of these treatment plants, so it's possible that California's 26 dump more total pollution than Missouri's 300+.

1



1



Show this thread



David Schultz @davidbschultz · Sep 26

...they're not. There are more than two dozen states with more wastewater treatment plants in significant non-compliance than California.

Some states have much more than 26 plants. Missouri, at the top of the list, has +300.

6	Row Labels	Count of CWPSNCStatus
7	MO	333
8	IA	248
9	TX	214
10	OH	193
11	WV	133
12	IL	128
13	WA	125
14	ND	106
15	NE	90

Thanks!

Molly

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/30/2019 10:28:57 PM
To: Bodine, Susan [bodine.susan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Block, Molly [block.molly@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

My thoughts, take them or leave them as you see fit.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, September 30, 2019 6:13 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

I want Doug, Dave and Lee to weigh in on the following (is it too detailed?).

I would like to just say:

Ex. 5 Deliberative Process (DP)

Also could add:

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, September 30, 2019 5:43 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Thank you. We got another question on this letter from Politico. We have to respond in some way.
Either with data or generally:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, September 30, 2019 3:21 PM
To: Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

But let me get data we think are more relevant first.

From: Block, Molly <block.molly@epa.gov>
Sent: Monday, September 30, 2019 3:20 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

It looks like the letter was sent via snail mail so we won't physically received it for a while and to the generic Wheeler inbox (which Molina keeps an eye on).

So yes – we did get this from the reporter first. I can double check that it came to the generic inbox for Administrator Wheeler.

Ex. 5 Deliberative Process (DP)

Molly

From: Bodine, Susan
Sent: Monday, September 30, 2019 3:18 PM
To: Block, Molly <block.molly@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea

<Woods.Andrea@epa.gov>

Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Ex. 5 Deliberative Process (DP)

Susan

From: Block, Molly <block.molly@epa.gov>

Sent: Monday, September 30, 2019 3:02 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L.

<kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>

Subject: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Not really sure who's best to address this... See attached letter from former OECA AA.

From: msoraghan@eenews.net <msoraghan@eenews.net>

Sent: Monday, September 30, 2019 2:51 PM

To: Press <Press@epa.gov>

Subject: Giles letter to Wheeler 9-30-19.pdf

Hi. I'm writing a story for the PM edition on this letter. Please let me know if EPA or Mr. Wheeler has any response.

Thanks, Mike Soraghan

Ex. 6 Personal Privacy (PP)

Message

From: bodine.susan@epa.gov [bodine.susan@epa.gov]
Sent: 9/26/2019 4:50:19 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: Re: Urgent: LAW360 q re: CA announcement

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 9:26 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Another one.

Law360 (deadline asap) two questions:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
- 2) And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

From: jc.rodriguez@law360.com <jc.rodriguez@law360.com>
Sent: Thursday, September 26, 2019 11:47 AM
To: Press <Press@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: Re: EPA warning letters

And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

On Thu, Sep 26, 2019 at 11:06 AM Juan Carlos Rodriguez <jc.rodriguez@law360.com> wrote:

Hi,

I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?

Thank you.

--

Juan Carlos Rodriguez
Senior Environment Reporter



A LexisNexis® Company

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: Ex. 6 Personal Privacy (PP)



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--

Juan Carlos Rodriguez
Senior Environment Reporter



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Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: Ex. 6 Personal Privacy (PP)



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[Follow Law360 on Twitter](#)

Message

From: Hull, George [Hull.George@epa.gov]
Sent: 9/26/2019 5:44:54 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: RE: Summary of CA questions from media

Susan,

Sorry, just got out of the ODs meeting. Here is the language that Allison just circulated and said had been OECA approved:

Response (approved by OECA) : EPA does not comment on ongoing enforcement actions or confirmed potential enforcement actions

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, September 26, 2019 1:09 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Re: Summary of CA questions from media

Allison,

On any enforcement questions: we do not confirm or deny the existence of any enforcement actions. George: what is the standard response?

Law360 - just sent an email on that

NYT - I don't have that data. OW could pull it from SDWIS

E&E - we don't comment on enforcement or confirm potential enforcement

Courthouse news: the Administrator has asked his staff to present him with options. There is no link to highway funding and CWA or SDWA programs. Those programs are not related to the management of water. That is a wholly state function. The CWA and SDWA are related to the protection of the environment and public health..

Sent from my iPad

On Sep 26, 2019, at 10:03 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

I understand Doug, Susan and Lee will gather soon. Here is the list of all outstanding media questions to answer.. I look forward to hearing from you all on proposed responses to these questions. -Allison

Law360:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
- 2) The letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

NYT:

- 1) Several people have told me that the exceedances in Louisiana and Texas for lead and arsenic levels are far higher than California. Can you please provide me with numbers for those two

states?

E&E:

- 1) Are there any current NPDES violations by San Francisco? It sounded at one point like Susan was saying that the concern is that the permits are not adequate, rather than there being a violation, but I wanted to confirm that.
Allison's proposed response: On September 26, 2019, EPA sent a letter to California Governor Newsom regarding federal Clean Water Act and Safe Drinking Water Act deficiencies. EPA is not taking enforcement action at this time.

Courthouse News:

- 1) I was on this phone call this AM – could you clarify this statement? What exactly are the possible consequences of failing to address the issue? As I've got in my notes it includes removing the state's authority to manage their water?

Withholding federal highway funds? Similar action on this issue?

"Put together options" for wheeler. "Taking direct action is always an option on the enforcement side... on programmatic side... [if they are] not meeting basic floor needed for the authorization of delegation of authorities"

"Those are options, all of that is predicated on what they are prepared to do to address these problems."

- 2) Are you all suggesting you'll take away the state's power to manage their water? I just want to clarify.

Gannett:

- 1) The president last week was quoted in an AP story saying this:
"You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."
Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.

Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985
Cell: Ex. 6
Dennis.Allison@epa.gov

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 9/26/2019 5:45:25 PM
To: Bodine, Susan [bodine.susan@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: RE: Urgent: LAW360 q re: CA announcement

I received the letter from Lee.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, September 26, 2019 1:40 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Re: Urgent: LAW360 q re: CA announcement

R9

Lee and Dave have a copy

Subject is Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 26, 2019, at 10:21 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Great responses for both questions. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, September 26, 2019 12:50 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Re: Urgent: LAW360 q re: CA announcement

Q1: Ex. 5 Deliberative Process (DP)

Ex. 6 Personal Privacy (PP)

Q2: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPad

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Law360 (deadline asap) two questions:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
- 2) And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

From: jc.rodriguez@law360.com <jc.rodriguez@law360.com>
Sent: Thursday, September 26, 2019 11:47 AM
To: Press <Press@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: Re: EPA warning letters

And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

On Thu, Sep 26, 2019 at 11:06 AM Juan Carlos Rodriguez <jc.rodriguez@law360.com> wrote:

Hi,

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Thank you.

--

Juan Carlos Rodriguez
Senior Environment Reporter



Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: Ex. 6 Personal Privacy (PP)



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Juan Carlos Rodriguez
Senior Environment Reporter



Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
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Cell: Ex. 6 Personal Privacy (PP)



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Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 9/26/2019 6:59:09 PM
To: Bodine, Susan [bodine.susan@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: Re: Urgent: LAW360 q re: CA announcement

Thanks all.

Sent from my iPhone

On Sep 26, 2019, at 2:53 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ok

Sent from my iPhone

On Sep 26, 2019, at 11:29 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Points taken, everyone. Here's my proposed path for going forward: would you all be comfortable if we moved ahead with providing Susan's response to the reporter and then we wait to see if the reporter comes back? Then we can cite examples, if needed?

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, September 26, 2019 1:51 PM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Re: Urgent: LAW360 q re: CA announcement

It is on point.

And is just an example.

We do of course do oversight all the time.

Sent from my iPad

On Sep 26, 2019, at 10:46 AM, Ross, David P <ross.davidp@epa.gov> wrote:

Hi all - I'm starting to track some of the press stuff. I've been on calls all day on other matters.

I don't think we need to **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 1:39 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

R9

Lee and Dave have a copy

Subject is **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 26, 2019, at 10:21 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Great responses for both questions.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan

<bodine.susan@epa.gov>

Sent: Thursday, September 26, 2019

12:50 PM

To: Dennis, Allison

<Dennis.Allison@epa.gov>

Cc: Ross, David P

<ross.davidp@epa.gov>; Forsgren, Lee

<Forsgren.Lee@epa.gov>; Hull, George

<Hull.George@epa.gov>; Egan, Patrick

<egan.patrick@epa.gov>

Subject: Re: Urgent: LAW360 q re: CA announcement

Q) **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Q2: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 9:26 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Another one.

Law360 (deadline asap)

two questions:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
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poses a health
risk?

From:

jc.rodriguez@law360.com

<jc.rodriguez@law360.com>

Sent: Thursday,
September 26, 2019
11:47 AM

To: Press

<Press@epa.gov>;
Block, Molly
<block.molly@epa.gov>

Subject: Re: EPA
warning letters

And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

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<jc.rodriguez@law360.com> wrote:

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administration to
Wisconsin, but are
there others?

Thank you.

--

Juan Carlos Rodriguez
Senior Environment
Reporter



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Cell: Ex. 6 Personal Privacy (PP)



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Senior Environment
Reporter



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Office: 646-783-

7197

Cell: Ex. 6 Personal Privacy (PP)



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Message

From: Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: 9/26/2019 4:50:22 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: Re: Urgent: LAW360 q re: CA announcement

Ex. 5 Deliberative Process (DP)

Sent from my iPad

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- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
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Thank you.

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Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 9/26/2019 2:22:32 PM
To: PerezSullivan, Margot [PerezSullivan.Margot@epa.gov]; Calvino, Maria Soledad [Calvino.Maria@epa.gov]; Adamic, Denise [Adamic.Denise@epa.gov]; DIAZ, ALEJANDRO [Diaz.Alejandro@epa.gov]
CC: Amato, Paul [Amato.Paul@epa.gov]; Harris-Bishop, Rusty [Harris-Bishop.Rusty@epa.gov]; Hood, Timonie [Hood.Timonie@epa.gov]; Stollman, Scott [Stollman.Scott@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Nazmi, Niloufar [Nazmi.Niloufar@epa.gov]; Christenson, Kara [Christenson.Kara@epa.gov]; LEONIDO-JOHN, STEVEN [Leonido-John.Steven@epa.gov]; Glenn, William [Glenn.William@epa.gov]; Gill, Sonam [Gill.Sonam@epa.gov]
Subject: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

See e-mail and article below shared by OCIR's Jack Bowles in the Washington Post. I would expect our office will be receiving calls about this today.

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

From: Bowles, Jack <Bowles.Jack@epa.gov>
Sent: Thursday, September 26, 2019 6:25 AM
To: Maier, Brent <Maier.Brent@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: FW: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

Good Morning,

News you can use.

Best,
Jack

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 26, 2019 8:32 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>
Subject: FW: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 26, 2019 8:30 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

Climate and Environment

EPA tells California it is ‘failing to meet its obligations’ to protect the environment



Traffic moves across the Richmond-San Rafael Bridge on Sept. 17 in Mill Valley, Calif. (Justin Sullivan/Getty Images)

By Juliet Eilperin ,

September 26 at 8:00 AM

Trump officials will notify California Gov. Gavin Newsom (D) on Thursday that the state is “failing to meet its obligations” to protect the environment, just days after the president mocked its biggest cities for their “tremendous pollution.”

The unusual move by the Environmental Protection Agency ratchets up the Trump administration’s ongoing battle against the nation’s largest state, a multi-pronged assault that Newsom has described as “weaponizing” the federal government. The fight extends from immigration to environmental policy and involves agencies ranging from the Justice Department to the Department of Homeland Security and EPA.

In an oversight letter, EPA Administrator Andrew Wheeler cites multiple instances of California failing to meet federal water-quality standards, attributing this in part to the state’s homelessness problem.

“The agency is aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment,” wrote Wheeler, who gave Newsom 30 days to respond. “Based upon data and reports, the agency is concerned that California’s implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs.”

In recent weeks, Newsom and other top California officials have denounced Trump for targeting the state on several fronts. In the past month alone, the administration has moved to revoke the state’s long-standing right to limit air pollution from cars, began investigating an agreement with four automakers for possible antitrust violations and threatened to withhold federal highway funds if California does not do more to clean up its air.

California has emerged as one of the Democrats’ most potent counterweights to the White House in the Trump era, advancing liberal priorities on everything from climate change to abortion rights. Its attorney general, Xavier Becerra, has sued the administration 62 times in federal court, blocking policies such as the White House plan to end protections for young immigrants who were brought to the United States illegally by their parents.



President Trump talks with then-Gov.-elect Gavin Newsom, left, on Nov. 17, 2018, as California Gov. Jerry Brown listens during a visit to a neighborhood impacted by the wildfires in Paradise. (Evan Vucci/AP)

Speaking to reporters Tuesday in New York City, Newsom said California is promoting a shift to clean energy that threatens Trump’s embrace of fossil fuels. In response, Trump and his deputies have started to retaliate, he said, by probing the state’s deal with automakers to build cleaner cars and taking away its right to curb tailpipe emissions.

“That paradigm is now challenged by an EPA that’s been weaponized by the Trump administration,” Newsom said, adding that his state and others are still pressing ahead. “They’re losing; states are winning.”

EPA officials said the notice to California reflects the agency’s broad policy priorities, rather than an attempt to single out the state. But while California has significant amounts of air and water pollution, so do other states.

Last year, the EPA estimated that 3,508 community water systems were out of compliance with health-based standards. In its oversight letter, the agency cited 202 water systems in California that have recently reported drinking water problems. The state has 82 areas that don't meet air standards for six pollutants, and most of its plans to clean them up are still not approved by the EPA. But about three dozen other states also had counties that did not meet those national benchmarks.

Newsom, who said Tuesday that the EPA was engaging in "pure retaliation," has made no secret of his opposition to the White House. This spring, he said, "I also see my role as not just the center of the resistance, but a positive alternative to Trump and Trumpism."

Trump, for his part, has routinely criticized California officials for failing to protect their citizens from a range of threats, including wildfires and criminal acts by those in the country illegally.

At times, the president and Newsom have hurled insults at each other via Twitter. Just last week, Trump blasted California's environmental record as he flew back from the state to Washington on Air Force One.

"There's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean," he told reporters. "You know, there are needles, there are other things."

"It's a terrible situation that's in Los Angeles and in San Francisco," he added. "And we're going to be giving San Francisco — they're in total violation — we're going to be giving them a notice very soon."

San Francisco officials reject the idea that they have failed to capture objects such as needles because they send sewage and street runoff to the same pipes. This combined discharge is treated at one of the city's sewage treatment plants, where pollutants are captured or treated before being released to the San Francisco Bay or the Pacific Ocean.

"We have our challenges in San Francisco around homelessness," San Francisco Mayor London Breed's communications director, Jeff Cretan, said in response to Trump's comments aboard Air Force One. "But in terms of needles flowing into the bay, it's absolutely ridiculous."

[From plastic straws to discarded syringes, San Francisco's complex problems]

After Trump declared last week that the EPA would put California on notice, officials were unsure what statutes would be used to do so, and there was no specific plan in place, according to two White House officials who spoke on the condition of anonymity to discuss internal deliberations.

Trump regularly brings up California's homelessness problems in meetings, telling aides that the government needs to highlight what he sees as bad, liberal governance — and to step in.

But that fixation does not extend nearly as much to other cities, such as New York. Homelessness in California has been featured on Trump's preferred cable news network, Fox News, with 10 segments in August alone.

Earlier this month, officials from several agencies, including the EPA, traveled to Los Angeles to examine homelessness and visited spots such as skid row. And some administration officials have said they believe homeless people in California are even spreading leprosy, according to current and former White House officials.

But last week, the administration rejected a request from California officials for more federal funds to expand programs aimed at addressing the problem.

[Trump officials tour FAA facility in California to possibly house homeless]

Harmeet K. Dhillon, the national co-chair for Women for Trump, said the president does not hold a particular animus toward the state, even though he could.

“It is a state that has sued him 60 times,” said Dhillon, who spent time with Trump during his California visit last week and said she welcomes his attention. “I think the president shows remarkable good humor and grace when California has its hand out for support of fires or whatever the state needs.”

“I don’t think the president wants to take over these issues,” she said of homelessness or environmental issues, but added, “It is appropriate for the federal government to have scrutiny on California.”



Tents and tarps erected by homeless people are seen along sidewalks in the skid row area of downtown Los Angeles on June 28. (Patrick T. Fallon/Reuters)

Earlier this week, EPA officials suggested California authorities are doing an inadequate job of curbing air and water pollution and ranked the state toward the bottom in the nation. On Monday, Wheeler notified the California Air Resources Board that it risks losing billions in highway funding if it did not offer updated plans on how it plans to meet federal health-based standards for soot, smog and other pollutants.

Since Trump took office, EPA leaders have emphasized that they hope to improve water quality across the United States, identifying it as a priority in a long-term strategic plan last year. “Many communities need to improve and maintain both drinking water and wastewater infrastructure and develop the capacity to comply with new and existing standards,” the agency wrote.

The agency set a goal of reducing the number of community water systems out of compliance from over 3,500 to 2,700 by Sept. 30, 2022.

While the EPA routinely forges consent decrees with state and local governments to address sewer and stormwater issues, it is rare for the agency to send an oversight letter suggesting that state officials are failing to enforce federal pollution standards on a broad scale.

This is the first letter of its kind that the Trump administration has sent out, EPA officials said. They pointed to a similar letter sent to Wisconsin in 2011 under the Obama administration, which identified numerous deficiencies in the way the state managed water pollution problems. That 26-page letter gave the state three months to reply and came after half a dozen meetings and calls with state officials.

San Francisco is one of the few major cities with sewers that combine stormwater and sewage flows that is not operating under a federal consent decree.

Drawing on public databases and press reports — including a NPR report in August that “piles of human feces” are now visible on sidewalks and streets in San Francisco — Wheeler noted that even California’s own government has posted studies noting that human waste can increase bacteria levels in water off its beaches.

He detailed a litany of federal water quality violations across the state, saying California “has not acted with a sense of urgency to abate this public health and environmental problems.”

The examples include a “years-long practice” of San Francisco routinely discharging more than a billion gallons of combined sewage and stormwater annually into San Francisco Bay and the Pacific Ocean without treating it for biological contaminants.

In addition, the letter says during the most recent reporting quarter, more than 200 water systems across the state reported 665 instances of exceeding health-based levels of arsenic and other regulated contaminants.

“These exceedances call into question the state’s ability to protect the public and administer its [Safe Drinking Water Act] programs in a manner consistent with federal requirements,” the letter states.

San Francisco is currently spending billions to upgrade its aging infrastructure, including \$4.8 billion to improve regional and local water systems that 2.7 million use. It has also launched a 20-year, multibillion-dollar sewer system upgrade.

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)

Ex. 6 Personal Privacy (PP)

(cell)
grantham.nancy@epa.gov

Message

From: Fotouhi.David@epa.gov [Fotouhi.David@epa.gov]
Sent: 9/6/2019 12:49:24 AM
To: Schwab, Justin [Schwab.Justin@epa.gov]
Subject: Fwd: Draft California Letter
Attachments: California Letter - Revised (002).docx; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: September 5, 2019 at 8:20:33 PM EDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>
Cc: "Matthew Leopold (Leopold.Matt@epa.gov)" <Leopold.Matt@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: Draft California Letter

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Hi, Doug.

Attached is a draft letter to California identifying deficiencies in the State's CWA and SDWA programs. In assembling the letter, I worked from the draft letter that Lee provided to me as well as the background materials you sent. Matt has reviewed the letter and his comments are reflected in this draft. I defer to you as to who else should review, although I included one comment in the draft identifying a statement taken from the background materials that OECA should confirm it is comfortable with including.

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions or need anything else. Thank you.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 9/6/2019 12:49:25 AM
To: Schwab, Justin [Schwab.Justin@epa.gov]
Subject: Fwd: Draft California Letter
Attachments: California Letter - Revised (002).docx; ATT00001.htm

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Cc: "Matthew Leopold (Leopold.Matt@epa.gov)" <Leopold.Matt@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: Draft California Letter

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Ex. 5 Deliberative Process (DP)

Let me know if you have any questions or need anything else. Thank you.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Grantham.Nancy@epa.gov [Grantham.Nancy@epa.gov]
Sent: 9/25/2019 7:50:52 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Re: Cal Letter and Press Release

Can do

Sent from my iPhone

> On Sep 25, 2019, at 3:48 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:
>
> We need to have this posted to the website at 10:30amET tomorrow.
>
>
> -----Original Message-----
> From: Jackson, Ryan <jackson.ryan@epa.gov>
> Sent: Wednesday, September 25, 2019 3:33 PM
> To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
> Cc: Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
> Subject: RE: Cal Letter and Press Release
>
> Attached is the final, signed letter.
>
> -----Original Message-----
> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Wednesday, September 25, 2019 10:04 AM
> To: Benevento, Douglas <benevento.douglas@epa.gov>
> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
> Subject: Re: Cal Letter and Press Release
>
> FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly.
>
> Thanks all.
>
> Sent from my iPad
>
>> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>
>> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.
>>
>> Get it to Beth White who can put it on letterhead and get it turned around by noon.
>>
>> Corry, if I understood you correctly

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

>>
>> -----Original Message-----
>> From: Ross, David P <ross.davidp@epa.gov>
>> Sent: Tuesday, September 24, 2019 10:24 PM
>> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
>> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
>> Subject: Re: Cal Letter and Press Release
>>
>> Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?
>>
>> Sent from my iPad
>>
>>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>>>

>>> Attached are my edits to the TPs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>> I need a copy of the signed letter before I talk to press.

>>>

>>> -----Original Message-----

>>> From: Benevento, Douglas <benevento.douglas@epa.gov>

>>> Sent: Tuesday, September 24, 2019 7:24 PM

>>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>

>>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

>>> Subject: Re: Cal Letter and Press Release

>>>

>>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

>>>

>>> Sent from my iPhone

>>>

>>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

>>>>

>>>> Doug

>>>>

>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

>>>>

>>>> Lee

>>>>

>>>> Sent from my iPhone

>>>>

>>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

>>>>>

>>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

>>>>>

>>>>> -----Original Message-----

>>>>> From: Ross, David P <ross.davidp@epa.gov>

>>>>> Sent: Tuesday, September 24, 2019 2:22 PM

>>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

>>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>

>>>>> Subject: Cal Letter and Press Release

>>>>>

>>>>> Deliberative; Pre-Decisional

>>>>>

>>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

>>>>>

Ex. 5 Deliberative Process (DP)

>>>>>

>>>>> I'm turning my attention to the TPs now.

>>>>>

>>>>> Sent from my iPad

>>> <Water TPs spb edits.docx>

>> <California Water Letter - Final - September, 2019.docx>

> <image2019-09-25-035805.pdf>

Message

From: McLain, Jennifer [McLain.Jennifer@epa.gov]
Sent: 9/26/2019 10:46:01 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]
CC: Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Thompkins, Anita [Thompkins.Anita@epa.gov]; Darman, Leslie [Darman.Leslie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]
Subject: Re: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Carrie

Ex. 5 AC/DP

Jennifer

On Sep 26, 2019, at 2:30 PM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:

Ex. 5 AC/DP

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: McLain, Jennifer <McLain.Jennifer@epa.gov>
Sent: Thursday, September 26, 2019 2:21 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: RE: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Thank you Carrie. I was not aware of the letter until I received it this morning along with the related WP article.

Jennifer

Jennifer L. McLain, Director
Office of Ground Water and Drinking Water
U.S. EPA

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Thursday, September 26, 2019 1:59 PM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>; McLain, Jennifer <McLain.Jennifer@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia

<Quast.Sylvia@epa.gov>

Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYI in case you hadn't seen. Possible state program actions highlighted, both NPDES and PWS.
Copying WLO state program leads, and RC R9.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>

Sent: Thursday, September 26, 2019 1:05 PM

To: OGC WLO <OGC_WLO@epa.gov>

Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>

Sent: Thursday, September 26, 2019 12:07 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>

Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Thursday, September 26, 2019 10:30 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

"California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations," **said EPA Administrator Andrew Wheeler**. "If California does not step up to its delegated responsibilities, then EPA will be forced to take action."

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

<!--[if !vml]--><image001.png><!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Wehling, Carrie [Wehling.Carrie@epa.gov]
Sent: 9/26/2019 6:29:59 PM
To: McClain, Jennifer [McClain.Jennifer@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Thompsons, Anita [Thompkins.Anita@epa.gov]
CC: Darman, Leslie [Darman.Leslie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]
Subject: RE: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Ex. 5 AC/DP

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: McClain, Jennifer <McClain.Jennifer@epa.gov>
Sent: Thursday, September 26, 2019 2:21 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompsons, Anita <Thompkins.Anita@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: RE: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Thank you Carrie. I was not aware of the letter until I received it this morning along with the related WP article.

Jennifer

Jennifer L. McLain, Director
Office of Ground Water and Drinking Water
U.S. EPA

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Thursday, September 26, 2019 1:59 PM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompsons, Anita <Thompkins.Anita@epa.gov>; McClain, Jennifer <McClain.Jennifer@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYI in case you hadn't seen. Possible state program actions highlighted, both NPDES and PWS.
Copying WLO state program leads, and RC R9.
Carrie

Caroline (Carrie) Wehling

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Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, September 26, 2019 1:05 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 26, 2019 12:07 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Sent: Thursday, September 26, 2019 10:30 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

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For more information about EPA's clean water programs, click [here](#).

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: McLain, Jennifer [McLain.Jennifer@epa.gov]
Sent: 9/26/2019 6:21:27 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Thompson, Anita [Thompson.Anita@epa.gov]
CC: Darman, Leslie [Darman.Leslie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]
Subject: RE: EPA Administrator Wheeler calls out California's Environmental Protection Failure

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Jennifer

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U.S. EPA

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Sent: Thursday, September 26, 2019 1:59 PM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompson, Anita <Thompson.Anita@epa.gov>; McLain, Jennifer <McLain.Jennifer@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYI in case you hadn't seen. Possible state program actions highlighted, both NPDES and PWS.
Copying WLO state program leads, and RC R9.
Carrie

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Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, September 26, 2019 1:05 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW

Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 26, 2019 12:07 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

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For more information about EPA's clean water programs, click [here](#).

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Miller, Amy [Miller.Amy@epa.gov]
Sent: 8/26/2019 7:30:42 PM
To: Quast, Sylvia [Quast.Sylvia@epa.gov]
Subject: FW: SFPUC and R9 Municipal Case Summary
Attachments: CWA Muni Case summary.xlsx; Briefing for Amy and RA on August 27 2019.docx

What do you think about sharing this with Mike?

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: Magnan, Eric <Magnan.Eric@epa.gov>
Sent: Monday, August 26, 2019 11:04 AM
To: Quast, Sylvia <Quast.Sylvia@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>
Cc: Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>
Subject: SFPUC and R9 Municipal Case Summary

Amy and Sylvia,

Thanne and I put together two documents to help inform your briefing with the RA tomorrow:

1. A spreadsheet summarizing large CWA Municipal cases taken in Region 9 with dates, size of injunctive relief, and brief description of the work to help give you more information on timeframe and scale of these cases.
2. A word document summarizing current status of the case, with additional focus on prior state actions and an inspection history.

I'll drop off hard copy versions in a few moments. Let me know if you have any questions or need any additional information.

Thanks,

Eric

Eric Magnan, P.E.
Manager, Water Section I
Enforcement and Compliance Assurance Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-1
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

Message

From: Quast, Sylvia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FE20025C1DDA47CE92E19F6C3C440C90-SQUAST]
Sent: 9/26/2019 6:20:16 PM
To: Kermish, Laurie [Kermish.Laurie@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure
Attachments: 9.26.19_letter-epa.pdf

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Thursday, September 26, 2019 10:59 AM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>; McClain, Jennifer <McClain.Jennifer@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYI in case you hadn't seen. Possible state program actions highlighted, both NPDES and PWS.
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Carrie

Caroline (Carrie) Wehling
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Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, September 26, 2019 1:05 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 26, 2019 12:07 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Thursday, September 26, 2019 10:30 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 9/25/2019 1:47:41 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: Re: Cal Letter and Press Release

Thanks.

Sent from my iPad

> On Sep 25, 2019, at 9:47 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>

> Correct.

>

> And disregard the statement about

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>

> -----Original Message-----

> From: Ross, David P <ross.davidp@epa.gov>

> Sent: Wednesday, September 25, 2019 9:34 AM

> To: Bodine, Susan <bodine.susan@epa.gov>

> Subject: Re: Cal Letter and Press Release

>

> I agree with your redlines and will incorporate some additional clean up on top of them and get this re-signed. To be clear, your last two sentences below are more for my awareness - I didn't see edits associated with them. Right?

>

> Sent from my iPad

>

>> On Sep 24, 2019, at 11:31 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>>

>> For your consideration,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>

>> -----Original Message-----

>> From: Ross, David P <ross.davidp@epa.gov>

>> Sent: Tuesday, September 24, 2019 11:07 PM

>> To: Benevento, Douglas <benevento.douglas@epa.gov>

>> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee

>> <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry

>> <schiermeyer.corry@epa.gov>

>> Subject: Re: Cal Letter and Press Release

>>

>> Ok thanks. I will work with Mel in the morning to look for the issues Susan has raised and insert my few additional edits and then Mel will get it to Beth for signature. Thanks all.

>>

>> Sent from my iPad

>>

>>> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

>>>

>>> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

>>>

>>> Get it to Beth White who can put it on letterhead and get it turned around by noon.

>>>

>>> Corry, if I understood you correctly

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>

>>> -----Original Message-----

>>> From: Ross, David P <ross.davidp@epa.gov>

>>> Sent: Tuesday, September 24, 2019 10:24 PM

>>> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

>>> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

>>> Subject: Re: Cal Letter and Press Release

>>>

>>> Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

>>>

>>> Sent from my iPad

>>>

>>>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>>>>

>>>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

>>>>

>>>> On the letter, the last version I saw

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>

>>>> Your note says

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>

>>>> I need a copy of the signed letter before I talk to press.

>>>>

>>>> -----Original Message-----

>>>> From: Benevento, Douglas <benevento.douglas@epa.gov>

>>>> Sent: Tuesday, September 24, 2019 7:24 PM

>>>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>

>>>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

>>>> Subject: Re: Cal Letter and Press Release

>>>>

>>>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

>>>>

>>>> Sent from my iPhone

>>>>

>>>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

>>>>>

>>>>> Doug

>>>>>

>>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

>>>>>

>>>>> Lee

>>>>>

>>>>> Sent from my iPhone

>>>>>

>>>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

>>>>>>

>>>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

>>>>>>

>>>>>> -----Original Message-----

>>>>>> From: Ross, David P <ross.davidp@epa.gov>

>>>>>> Sent: Tuesday, September 24, 2019 2:22 PM

>>>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

>>>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>

>>>>>> Subject: Cal Letter and Press Release

>>>>>>

>>>>>> Deliberative; Pre-Decisional

>>>>>>

>>>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

>>>>>>

Ex. 5 Deliberative Process (DP)

>>>>>>

>>>>> On the press release, I agree with Susan's edits. I'd also flag

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>>

>>>>> I'm turning my attention to the TPs now.

>>>>>

>>>>> Sent from my iPad

>>>> <Water TPs spb edits.docx>

>>> <California Water Letter - Final - September, 2019.docx>

>> <California Water Letter - Final - September 2019 spb.docx>

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 9/25/2019 1:35:25 PM
To: Ross, David P [ross.davidp@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Re: Cal Letter and Press Release

I'm reading. Calling in now.

Sent from my iPad

On Sep 25, 2019, at 9:34 AM, Ross, David P <ross.davidp@epa.gov> wrote:

I've opened up a line – number in calendar. Call when ready.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Wednesday, September 25, 2019 9:22 AM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>
Subject: Re: Cal Letter and Press Release

Will be available then. Call me.

Sent from my iPhone

On Sep 25, 2019, at 6:20 AM, Ross, David P <ross.davidp@epa.gov> wrote:

Ok, I'm going to print and read this, put my edits in pen on top, and then you, Lee and I can get on the phone and talk. Give me 10 minutes or so.

Sent from my iPad

On Sep 25, 2019, at 9:18 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa
Sent: Wednesday, September 25, 2019 8:53 AM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 8:45 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>

Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>

Subject: Fwd: Cal Letter and Press Release

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas"
<benevento.douglas@epa.gov>
Date: September 24, 2019 at 10:54:20 PM EDT
To: "Ross, David P" <ross.davidp@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mejias, Melissa" <mejias.melissa@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Tuesday, September 24, 2019 10:24 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

On the letter, the last version I saw

Ex. 5 Deliberative Process (DP)

Your note says **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

-----Original Message-----

From: Benevento, Douglas
<benevento.douglas@epa.gov>

Sent: Tuesday, September 24, 2019
7:24 PM

To: Forsgren, Lee
<Forsgren.Lee@epa.gov>

Cc: Ross, David P
<ross.davidp@epa.gov>; Bodine, Susan
<bodine.susan@epa.gov>; Mejias,
Melissa <mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press
Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if

you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're

going
to have
to
revise it
and get
a new
signed
copy to
Ryan,
I'm in
Seattle
and
he's
holding
the
final ve
rsion
for
delivery
. The
letter
should
go to
Beth
White.
The
letter is
going
out
very
early
Thursd
ay
mornin
g. Make
sure
the old
copy is
destroy
ed.

Original
Messag
e-----

From:
Ross,
David P
<[ross.d
avidp@
epa.gov](mailto:ross.davidp@epa.gov)
>

Sent:
Tuesda
y,
Septem
ber 24,
2019
2:22
PM

To:
Beneve
nto,
Douglas
<benevento.douglas@epa.gov
>;

Bodine,
Susan
<bodine.susan@epa.gov
>;

Forsgre
n, Lee
<Forsgren.Lee@epa.gov
>

Cc:
Mejias,
Melissa
<mejias.melissa@epa.gov
>

Subject:
Cal
Letter
and
Press
Release

Deliber
ative;
Pre-
Decisio
nal

On the
latest

version
of the
Cal
water
letter, I
agree
with
Susan's
redlines
. A few
other
nits:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)



Ex. 5 Deliberative Process (DP)

On the
press
release,
I agree
with
Susan's
edits.
I'd also
flag



Ex. 5 Deliberative Process (DP)

I'm
turning
my

attention
to the
TPs
now.

Sent
from
my iPad

<Water TPs spb edits.docx>

<California Water Letter - Final - September 2019 spb.pdf>

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 9/25/2019 12:43:18 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: Cal Letter and Press Release
Attachments: California Water Letter - Final - September, 2019.docx; ATT00001.htm

So just to be clear. This is the most recent version, which matches the one you sent me in PDF

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: September 24, 2019 at 10:54:20 PM EDT
To: "Ross, David P" <ross.davidp@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mejias, Melissa" <mejias.melissa@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly	Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)	

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Tuesday, September 24, 2019 10:24 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

On the letter, the last version I saw

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Your note says

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

-----Original Message-----

From: Benevento, Douglas <benevento.douglas@epa.gov>

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan
<bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee
<Forsgren.Lee@epa.gov> wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas
<benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>

Sent: Tuesday, September 24, 2019 2:22 PM

To: Benevento, Douglas

<benevento.douglas@epa.gov>; Bodine, Susan

<bodine.susan@epa.gov>; Forsgren, Lee

<Forsgren.Lee@epa.gov>

Cc: Mejias, Melissa <mejias.melissa@epa.gov>

Subject: Cal Letter and Press Release

Deliberative; Pre-Decisional

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

Ex. 5 Deliberative Process (DP)

On the press release, I agree with Susan's edits. I'd also flag:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 9/25/2019 12:42:06 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: Re: Cal Letter and Press Release

Scratch that. Missed your attachment.

Sent from my iPad

> On Sep 25, 2019, at 8:12 AM, Ross, David P <ross.davidp@epa.gov> wrote:
>
> As I open this up this morning, are you saying you already made these changes in your last redline?
>
> Sent from my iPhone
>
>> On Sep 24, 2019, at 11:31 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>>
>> For your consideration.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>
>>
>> -----Original Message-----
>> From: Ross, David P <ross.davidp@epa.gov>
>> Sent: Tuesday, September 24, 2019 11:07 PM
>> To: Benevento, Douglas <benevento.douglas@epa.gov>
>> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
>> Subject: Re: Cal Letter and Press Release
>>
>> Ok thanks. I will work with Mel in the morning to look for the issues Susan has raised and insert my few additional edits and then Mel will get it to Beth for signature. Thanks all.
>>
>> Sent from my iPad
>>
>>> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>
>>> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.
>>>
>>> Get it to Beth White who can put it on letterhead and get it turned around by noon.
>>>
>>> Corry, if I understood you correctly,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>
>>> -----Original Message-----
>>> From: Ross, David P <ross.davidp@epa.gov>
>>> Sent: Tuesday, September 24, 2019 10:24 PM
>>> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
>>> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
>>> Subject: Re: Cal Letter and Press Release
>>>
>>> Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?
>>>
>>> Sent from my iPad
>>>
>>>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>>>>
>>>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.
>>>>

>>>> On the letter, the last version I saw

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>

>>>> Your note says

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>

>>>> I need a copy of the signed letter before I talk to press.

>>>>

>>>> -----Original Message-----

>>>> From: Benevento, Douglas <benevento.douglas@epa.gov>

>>>> Sent: Tuesday, September 24, 2019 7:24 PM

>>>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>

>>>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

>>>> Subject: Re: Cal Letter and Press Release

>>>>

>>>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

>>>>

>>>> Sent from my iPhone

>>>>

>>>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

>>>>>

>>>>> Doug

>>>>>

>>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

>>>>>

>>>>> Lee

>>>>>

>>>>> Sent from my iPhone

>>>>>

>>>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

>>>>>>

>>>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

>>>>>>

>>>>>> -----Original Message-----

>>>>>> From: Ross, David P <ross.davidp@epa.gov>

>>>>>> Sent: Tuesday, September 24, 2019 2:22 PM

>>>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

>>>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>

>>>>>> Subject: Cal Letter and Press Release

>>>>>>

>>>>>> Deliberative; Pre-Decisional

>>>>>>

>>>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

>>>>>>

Ex. 5 Deliberative Process (DP)

>>>>>>

>>>>>> On the press release, I agree with Susan's edits. I'd also flag

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>>>

>>>>>> I'm turning my attention to the TPs now.

>>>>>>

>>>>>> Sent from my iPad

>>>> <Water TPs spb edits.docx>

>>> <California Water Letter - Final - September, 2019.docx>

>> <California Water Letter - Final - September 2019 spb.docx>

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 9/26/2019 5:45:38 PM
To: Bodine, Susan [bodine.susan@epa.gov]
CC: Dennis, Allison [Dennis.Allison@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: Re: Urgent: LAW360 q re: CA announcement

Hi all - I'm starting to track some of the press stuff. I've been on calls all day on other matters.

I don't think we need to **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Regarding the second question **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 1:39 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

R9

Lee and Dave have a copy

Subject is **Ex. 5 Deliberative Process (DP)**

Sent from my iPhone

On Sep 26, 2019, at 10:21 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Great responses for both questions. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, September 26, 2019 12:50 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Re: Urgent: LAW360 q re: CA announcement

Q1) **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Q2) **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 9:26 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Another one.

Law360 (deadline asap) two questions:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
- 2) And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

From: jc.rodriguez@law360.com <jc.rodriguez@law360.com>

Sent: Thursday, September 26, 2019 11:47 AM

To: Press <Press@epa.gov>; Block, Molly <block.molly@epa.gov>

Subject: Re: EPA warning letters

And one follow up question, the letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

On Thu, Sep 26, 2019 at 11:06 AM Juan Carlos Rodriguez <jc.rodriguez@law360.com> wrote:

Hi,

I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?

Thank you.

--

Juan Carlos Rodriguez
Senior Environment Reporter



Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011

Office: 646-783-7197

Cell: Ex. 6 Personal Privacy (PP)



[Follow me on Twitter](#)



[Follow Law360 on Twitter](#)

--

Juan Carlos Rodriguez
Senior Environment Reporter



Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: Ex. 6 Personal Privacy (PP)



[Follow me on Twitter](#)



[Follow Law360 on Twitter](#)

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 9/25/2019 2:18:41 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: Re: Cal Letter and Press Release

Hi Corry. Can you call my cell this morning when you have a chance. I have one question for you.

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

> On Sep 25, 2019, at 10:09 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:
>
> Thank you.
>
> Mel...please let me know when you get it to Beth...I will follow up with her to ensure we get a final,
signed and dated copy.
>
> Thank you!

> -----Original Message-----

> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Wednesday, September 25, 2019 10:04 AM
> To: Benevento, Douglas <benevento.douglas@epa.gov>
> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
> Subject: Re: Cal Letter and Press Release

>
> FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I
just reviewed those edits, and Mel will be putting this into a final version to pass on to the AO
shortly.

> Thanks all.

> Sent from my iPad

>> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

>>
>> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes
this is the one you should work off of.

>> Get it to Beth White who can put it on letterhead and get it turned around by noon.

>> Corry, if I understood you correctly

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>> -----Original Message-----

>> From: Ross, David P <ross.davidp@epa.gov>
>> Sent: Tuesday, September 24, 2019 10:24 PM
>> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
>> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias,
Melissa <mejias.melissa@epa.gov>
>> Subject: Re: Cal Letter and Press Release

>>
>> Could somebody please get me what they think is the final version of the letter first thing in the
morning and I will fix it. Who has the final electronic version?

>> Sent from my iPad

>>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>>>
>>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I
want the information distributed internally to be consistent and accurate.

>>> On the letter, the last version I saw had

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>> Your note says

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>

Ex. 5 Deliberative Process (DP)

>>> I need a copy of the signed letter before I talk to press.
>>>
>>> -----Original Message-----
>>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>>> Sent: Tuesday, September 24, 2019 7:24 PM
>>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
>>> Subject: Re: Cal Letter and Press Release
>>>
>>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.
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>>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:
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>>>> Doug
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>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.
>>>>
>>>> Lee
>>>>
>>>> Sent from my iPhone
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>>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>>>
>>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.
>>>>>
>>>>> -----Original Message-----
>>>>> From: Ross, David P <ross.davidp@epa.gov>
>>>>> Sent: Tuesday, September 24, 2019 2:22 PM
>>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
>>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>
>>>>> Subject: Cal Letter and Press Release
>>>>>
>>>>> Deliberative; Pre-Decisional
>>>>>
>>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
>>>>>

Ex. 5 Deliberative Process (DP)

>>>>>
>>>>> On the press release, I agree with Susan's edits. I'd also flag

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>>
>>>>> I'm turning my attention to the TPs now.
>>>>>
>>>>> Sent from my iPad
>>> <Water TPs spb edits.docx>
>> <California Water Letter - Final - September, 2019.docx>

Message

From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 9/25/2019 1:19:34 PM
To: Ex. 6 Personal Privacy (PP)
Subject: Fwd: Cal Letter and Press Release
Attachments: California Water Letter - Final - September 2019 spb.pdf; ATT00001.htm

For home printing.

Sent from my iPad

Begin forwarded message:

From: "Mejias, Melissa" <mejias.melissa@epa.gov>
Date: September 25, 2019 at 9:18:32 AM EDT
To: "Ross, David P" <ross.davidp@epa.gov>
Cc: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: RE: Cal Letter and Press Release

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa
Sent: Wednesday, September 25, 2019 8:53 AM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 8:45 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Fwd: Cal Letter and Press Release

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: September 24, 2019 at 10:54:20 PM EDT
To: "Ross, David P" <ross.davidp@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mejias, Melissa"

<mejias.melissa@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

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Ex. 5 Deliberative Process (DP)

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From: Ross, David P <ross.davidp@epa.gov>

Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee

<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

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Ex. 5 Deliberative Process (DP)

Your note says

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Ex. 5 Deliberative Process (DP)

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From: Benevento, Douglas <benevento.douglas@epa.gov>

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To: Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan
<bodine.susan@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

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Sent: Tuesday, September 24, 2019
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Deliberative; Pre-Decisional

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<Water TPs spb edits.docx>

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Sent: 9/25/2019 1:09:35 PM
To: **Ex. 6 Personal Privacy (PP)**
Subject: Fwd: Cal Letter and Press Release
Attachments: California Water Letter - Final - September, 2019.docx; ATT00001.htm; California Water Letter - Final - September 2019.pdf; ATT00002.htm

For home printing.

Sent from my iPad

Begin forwarded message:

From: "Mejias, Melissa" <mejias.melissa@epa.gov>
Date: September 24, 2019 at 11:02:02 PM EDT
To: "Ross, David P" <ross.davidp@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: FW: Cal Letter and Press Release

Latest version. I'll call Corry in the morning to let her know we have edits.

-----Original Message-----

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, September 24, 2019 10:54 PM
To: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Cal Letter and Press Release

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Sent from my iPhone

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To: Benevento, Douglas

<benevento.douglas@epa.gov>; Bodine, Susan

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Cc: Mejias, Melissa <mejias.melissa@epa.gov>

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Deliberative; Pre-Decisional

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Ex. 5 Deliberative Process (DP)

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I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

Message

From: Sawyers, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=49214552A00B4AB7B168EC0EDBA1D1AC-SAWYERS, ANDREW]
Sent: 9/26/2019 7:36:01 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]
Subject: Fwd: EPA Administrator Wheeler calls out California's Environmental Protection Failure
Attachments: image001.png; ATT00001.htm; 9.26.19_letter-epa.pdf; ATT00002.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: "Wehling, Carrie" <Wehling.Carrie@epa.gov>
Date: September 26, 2019 at 1:58:40 PM EDT
To: "Sawyers, Andrew" <Sawyers.Andrew@epa.gov>, "Thompkins, Anita" <Thompkins.Anita@epa.gov>, "Mclain, Jennifer" <Mclain.Jennifer@epa.gov>
Cc: "Darman, Leslie" <Darman.Leslie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Quast, Sylvia" <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYI in case you hadn't seen. Possible state program actions highlighted, both NPDES and PWS.
Copying WLO state program leads, and RC R9.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, September 26, 2019 1:05 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 26, 2019 12:07 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>

Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

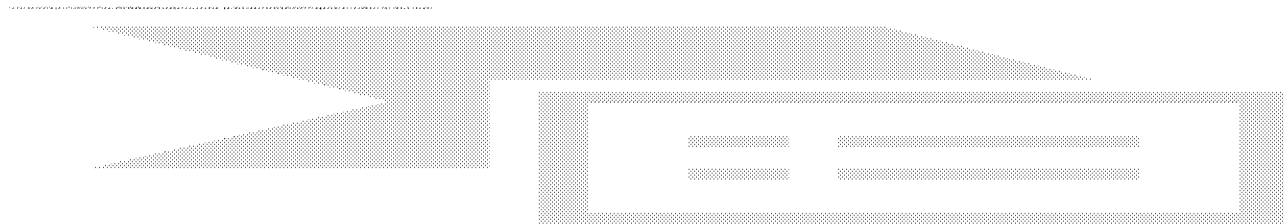
Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Thursday, September 26, 2019 10:30 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

"California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations," **said EPA Administrator Andrew Wheeler.** "If California does not step up to its delegated responsibilities, then EPA will be forced to take action."

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent

lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

<!--[if !vml]-->

Message

From: Sawyers, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=49214552A00B4AB7B168EC0EDBA1D1AC-SAWYERS, ANDREW]
Sent: 9/26/2019 6:46:53 PM
To: Farris, Erika D. [Farris.Erika@epa.gov]; Sylvester, Francis [Sylvester.Francis@epa.gov]
Subject: Fwd: EPA Administrator Wheeler calls out California's Environmental Protection Failure
Attachments: image001.png; ATT00001.htm; 9.26.19_letter-epa.pdf; ATT00002.htm

FYI

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Sent: Thursday, September 26, 2019 12:07 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>

Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

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Office of General Counsel
U.S. Environmental Protection Agency
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fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Thursday, September 26, 2019 10:30 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

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Sent: 9/26/2019 6:38:28 PM
To: Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Christopher Kloss (Kloss.Christopher@epa.gov) [Kloss.Christopher@epa.gov]; Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure
Attachments: 9.26.19_letter-epa.pdf

FYI

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Thursday, September 26, 2019 1:59 PM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>; McClain, Jennifer <McClain.Jennifer@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
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NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

.....

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

"California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations," **said EPA Administrator Andrew Wheeler**. "If California does not step up to its delegated responsibilities, then EPA will be forced to take action."

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has

resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

Visit The EPA's
Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: schiermeyer.corry@epa.gov [schiermeyer.corry@epa.gov]
Sent: 9/25/2019 3:38:55 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: Re: Water

Date is up in the air now...today or tomorrow. Ryan needs to make a decision on what time to transmit. I suggested 5:30am tomorrow.

I need it today...I can share the PDF unsigned version on an embargo, but will need final signed before 5pm.

Ask Ryan about autopen

Sorry...OPA has media lead..not letter lead, but having this final impacts what we have planned!

Thank you!

Sent from my iPhone

> On Sep 25, 2019, at 11:32 AM, White, Elizabeth <white.elizabeth@epa.gov> wrote:

>

> What time do you need this by? It's going to take some time to edit this again. Does it need to be autopenned or is the Administrator signing it? Date today?

>

> Beth White

> Director, Office of the Executive Secretariat

> U.S. Environmental Protection Agency

> (202) 564-1781 direct

> Ex. 6 Personal Privacy (PP) cell

>

> -----Original Message-----

> From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

> Sent: Wednesday, September 25, 2019 11:15 AM

> To: White, Elizabeth <white.elizabeth@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>

> Subject: RE: Water

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> Yes...it has changed since Monday...

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> -----Original Message-----

> From: White, Elizabeth <white.elizabeth@epa.gov>

> Sent: Wednesday, September 25, 2019 11:13 AM

> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

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>>> Subject: FW: Water
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>>> From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
>>> Sent: Monday, September 23, 2019 11:36 AM
>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan
>>> <jackson.ryan@epa.gov>
>>> Subject: Water

Ex. 5 Deliberative Process (DP)

>>> Sent from my iPhone
>>> <09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS.docx>

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Sent: 9/25/2019 3:44:17 PM
To: White, Elizabeth [white.elizabeth@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Block, Molly [block.molly@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
CC: McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: RE: Water

I believe it needs to be finalized (no additional edits) and put on letterhead by noon today.

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From: White, Elizabeth <white.elizabeth@epa.gov>
Sent: Wednesday, September 25, 2019 11:33 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
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>> Subject: Water
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Ex. 5 Deliberative Process (DP)

>> Sent from my iPhone
>> <09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS.docx>

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To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Block, Molly [block.molly@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
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Subject: RE: Water
Attachments: Newsom letter.pdf

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From: Schiermeyer, Corry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: 9/25/2019 4:58:54 PM
To: Mejias, Melissa [mejias.melissa@epa.gov]
Subject: RE: Water

Just making sure we didn't miss one!

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From: Mejias, Melissa <mejias.melissa@epa.gov>
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Ex. 5 Deliberative Process (DP)

>>
>> Sent from my iPhone
>> <09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS.docx>

Message

From: Schiermeyer, Corry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: 9/25/2019 3:38:57 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: Re: Water

Date is up in the air now...today or tomorrow. Ryan needs to make a decision on what time to transmit. I suggested 5:30am tomorrow.

I need it today...I can share the PDF unsigned version on an embargo, but will need final signed before 5pm.

Ask Ryan about autopen

Sorry...OPA has media lead..not letter lead, but having this final impacts what we have planned!

Thank you!

Sent from my iPhone

> On Sep 25, 2019, at 11:32 AM, White, Elizabeth <white.elizabeth@epa.gov> wrote:
>
> What time do you need this by? It's going to take some time to edit this again. Does it need to be autopenned or is the Administrator signing it? Date today?
>
> Beth White
> Director, Office of the Executive Secretariat
> U.S. Environmental Protection Agency
> (202) 564-1781 direct
> Ex. 6 Personal Privacy (PP) cell
>
> -----Original Message-----
> From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
> Sent: Wednesday, September 25, 2019 11:15 AM
> To: White, Elizabeth <white.elizabeth@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>
> Subject: RE: Water
>
> Yes...it has changed since Monday...
>
> -----Original Message-----
> From: White, Elizabeth <white.elizabeth@epa.gov>
> Sent: Wednesday, September 25, 2019 11:13 AM
> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>
> Subject: RE: Water
>
> We did this letter Monday. Please see attached. Ryan has the original. Has this letter changed since Monday?
>
> Beth White
> Director, Office of the Executive Secretariat U.S. Environmental Protection Agency
> (202) 564-1781 direct
> Ex. 6 Personal Privacy (PP) cell
>
> -----Original Message-----
> From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
> Sent: Wednesday, September 25, 2019 11:11 AM
> To: White, Elizabeth <white.elizabeth@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>
> Subject: RE: Water
>
> This is a different letter. This letter is to the Governor about water. The letter we released yesterday/Monday was to CARB and on air issues.
>
> This letter should be dated for September 26 as we will be transmitting early, early tomorrow morning.
>

> Thank you!

>

> -----Original Message-----

> From: White, Elizabeth <white.elizabeth@epa.gov>

> Sent: Wednesday, September 25, 2019 11:09 AM

> To: Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>

> Subject: RE: Water

>

> So is this the same letter we did the other day? I take it this letter changed since Monday? And this is the one that is going to the Governor?

>

> Beth White

> Director, Office of the Executive Secretariat U.S. Environmental Protection Agency

> (202) 564-1781 direct

> Ex. 6 Personal Privacy (PP) cell

>

> -----Original Message-----

> From: Mejias, Melissa <mejias.melissa@epa.gov>

> Sent: Wednesday, September 25, 2019 10:53 AM

> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>

> Subject: RE: Water

>

> Of course, please find the letter attached. The date needs to be amended.

>

> -----Original Message-----

> From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

> Sent: Wednesday, September 25, 2019 10:49 AM

> To: Block, Molly <block.molly@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>

> Subject: RE: Water

>

> Mel...could you send us all what you sent Beth?

>

> -----Original Message-----

> From: Block, Molly <block.molly@epa.gov>

> Sent: Wednesday, September 25, 2019 10:48 AM

> To: Beach, Christopher <beach.christopher@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>

> Subject: RE: Water

>

> Can you forward my way so I can get cracking on a script for susan?

>

> -----Original Message-----

> From: Beach, Christopher

> Sent: Wednesday, September 25, 2019 10:06 AM

> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>; Block, Molly <block.molly@epa.gov>

> Subject: Re: Water

>

> I sent it home with AW last night. Trying to figure out if he looked at it yet.

>

> Sent from my iPhone

>

>> On Sep 25, 2019, at 8:59 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

>>

>> Do we have an updated water release with quote?

>>

>> Molly needs it. I will get her the final letter.

>>

>> Sent from my iPhone

>>

>>> On Sep 24, 2019, at 10:29 AM, McFaul, Jessica <mcfaul.jessica@epa.gov> wrote:

>>>

>>> This is the most recent version of the release that I edited and sent

>>> back to Doug, based on AAW's comments below. Doug could say whether

>>> AAW has seen this version. Jess

>>>

>>> -----Original Message-----

>>> From: McFaul, Jessica

>>> Sent: Monday, September 23, 2019 1:31 PM

>>> To: Benevento, Douglas <benevento.douglas@epa.gov>

>>> Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

>>> Subject: RE: Water

>>>
>>> Edits incorporated (plus one more from me for consideration). Looping
>>> Corry for her awareness. Jess
>>>
>>> -----Original Message-----
>>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>>> Sent: Monday, September 23, 2019 12:10 PM
>>> To: McFaul, Jessica <mcfaul.jessica@epa.gov>
>>> Subject: FW: Water
>>>
>>>
>>>
>>> -----Original Message-----
>>> From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
>>> Sent: Monday, September 23, 2019 11:36 AM
>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan
>>> <jackson.ryan@epa.gov>
>>> Subject: Water
>>>

Ex. 5 Deliberative Process (DP)

>>>
>>> Sent from my iPhone
>>> <09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS.docx>

Message

From: Gullatt, Kristin [Gullatt.Kristin@epa.gov]
Sent: 9/27/2019 6:22:53 PM
To: R9_WTR_MANAGERS [R9_WTR_MANAGERS@epa.gov]; Amato, Paul [Amato.Paul@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Team – Any media calls or emails re the issues below (or any other topic) should be directed to OPA (Bill Glenn). Bill will direct the media outlet(s) to HQ.

KG

From: Gullatt, Kristin
Sent: Thursday, September 26, 2019 8:30 AM
To: R9_WTR_MANAGERS <R9_WTR_MANAGERS@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; Eastman, Tiffany (AKA: Stone) <Eastman.Tiffany@epa.gov>; Curtis, Jamelya <Curtis.Jamelya@epa.gov>; Honor, Lisa <Honor.Lisa@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler**. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state’s years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

.....

Visit The EPA's Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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From: Americans for Limited Government [media@limitgov.org]
Sent: 9/20/2019 2:31:50 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Spygate was an act of war and if its perpetrators are not held accountable, it will happen again

Domestic spying scandal worst in history



Permission to republish original opeds and cartoons granted.

Spygate was an act of war and if its perpetrators are not held accountable, it will happen again

Spygate was an act of war. Russia hacked the DNC and John Podesta and had the emails published on Wikileaks. That surely was viewed by the Obama administration as an act of war and it responded in kind. It was called a digital Pearl Harbor. However, their first response was not to sanction Russia. No, that would not come until Dec. 2016 — after the election. Before the election, the first response was to obtain surveillance against the Trump campaign and the GOP. The surveillance gave intelligence agencies unprecedented access to the operations of one of the major parties' presidential campaigns. Intelligence and surveillance powers are war powers. They are designed to identify targets, usually military, for purposes of eliminating threats to national security in the event of war. Their use, therefore, is itself an act of war, including when it is used domestically. The American people are told that these powers are essential to defending national security. But used wrongly, as they were in spygate, they become themselves the greatest threat to national security and the Constitution.

Cartoon: Never Iran

Iran is on a warpath.

Video: Democratic presidential candidates declare war on oil, Iran fires the first shot on Saudi Arabia

The Democrats running against President Trump in 2020 want to ban fracking and off-shore drilling, and bring an end to fossil fuels with the Green New Deal, and have declared a war on oil. In the meantime, Iran allegedly targets Western oil assets by hitting Saudi Arabian oil production facilities with cruise missiles. What is to be done?

San Francisco, Los Angeles and Seattle should be held to Clean Water Act standards as human waste pollutes their waterways

Americans for Limited Government President Rick Manning: "In March of 2018, San Diego County, California cities of Imperial Beach and Chula Vista sued the International Boundary & Water Commission-United States Section and Veolia Water North America West over the 'devastating pollution discharges' from the Tijuana River. Last night, President Trump stated that he anticipated that the United States Environmental Protection Agency will take action against San Francisco and potentially, Los Angeles, which have exacerbated a homeless

problem to such an extent that they are polluting the Pacific Ocean with drug needles and raw human waste. While some might laugh at the notion that the washing of raw human waste into the San Francisco Bay should be cited by the EPA, the truth is that the effects can be catastrophic. Just last year in Seattle, Washington (which should be in line for EPA sanction as well), opioids were found in mussels pulled from the Puget Sound. Mussels, which filter sediment for nutrition, became contaminated due to the washing of raw human waste from a drug addicted homeless population directly into the Sound. It is beyond ironic that the far-left urban policies of cities like Los Angeles, San Francisco and Seattle are creating an environmental disaster for the coastal sea life which these same politicians claim to revere. An EPA lawsuit holding these eco-socialist elites to the same standards which they would hold a private company should create an existential values clash on the left coast. And hopefully, they will become 'woke' to the reality that their urban policies fail to serve any of their purported values."

Wall Street Journal: California can't go its own way

"The 1970 Clean Air Act prohibits states from regulating tailpipe emissions, but it allows California to request a waiver to "meet compelling and extraordinary conditions." This waiver authority was intended to help California reduce tailpipe pollutants such as NOx and sulphur that contribute to smog. The LA haze in those days could be as thick as San Francisco's fog. Yet the Obama Administration in 2009 issued California a waiver to regulate greenhouse gas emissions despite the lack of legal or environmental justification. The Energy Policy and Conservation Act pre-empts state regulations of fuel economy, and CO2 emissions don't cause smog. CO2 wasn't even considered a pollutant until the Supreme Court's Massachusetts v. EPA (2007) decision. The Trump Administration now has strong economic, regulatory and constitutional reasons to revoke the waiver. California has used its waiver to impose electric car quotas that will raise costs for consumers across the country. Manufacturing an electric car costs \$12,000 more than an equivalent gas-powered vehicle. Despite generous federal and state consumer subsidies, auto makers will probably have to sell EVs below cost in California and raise prices on gas-powered cars everywhere else."

Spygate was an act of war and if its perpetrators are not held accountable, it will happen again



By Robert Romano

Spygate was an act of war. Russia hacked the DNC and John Podesta and had the emails published on Wikileaks. That surely was viewed by the Obama administration as an act of war and it responded in kind. It was called a digital Pearl Harbor.

However, their first response was not to sanction Russia. No, that would not come until Dec. 2016 — after the election.

Before the election, the first response was to obtain surveillance against the Trump campaign and the GOP, first by targeting George Papadopoulos via foreign agency efforts beginning in mid-2016, and then the FISA warrant applications, assuming there weren't more, on Carter Page beginning in Oct. 2016, fueled by the DNC-Steele dossier falsely accusing President Donald Trump, Page and Paul Manafort of being Russian agents, that was renewed after the election and then finally the fateful strike on Michael Flynn in Jan. 2017, spying on his phone call with the Russian ambassador, leaking it to the Washington Post on Jan. 12, 2017, sending the FBI to ask about it on Jan. 24, 2017 — all encompassing the bedrock of a three-year-long Justice Department investigation, undertaken under the mistaken belief that the nation had just elected the Manchurian Candidate.

Now, Washington, D.C. and the American people patiently await the publication of Justice Department Inspector General Michael Horowitz' report on abuses of the Foreign Intelligence Surveillance Act in 2016 and beyond, wherein the Trump campaign, the opposition party at the time, was unjustly surveilled by the Obama administration, the incumbent party, in an election year.

The surveillance gave intelligence agencies unprecedented access to the operations of one of the major parties' presidential campaigns. They had Page's contacts, including telephone, email, text, documents and

more, his contacts' contacts, at least, throughout the campaign, Trump's sphere and the Republican National Committee, certainly.

The surveillance carried over into the Trump administration in 2017, and the investigation persisted until 2019, when Special Counsel Robert Mueller finally concluded it, finding in his report that, after all, there was no criminal conspiracy between President Donald Trump or his campaign and Russia to steal emails from the Democratic National Committee (DNC) and John Podesta and have them put on Wikileaks.

The Mueller report stated, "[T]he investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities," and "the evidence does not establish that the President was involved in an underlying crime related to Russian election interference."

So, if it was not true, then what made intelligence agencies and the Justice Department come to believe in what amounted to a hare-brained conspiracy theory that tore the country in half for three years?

The fact that it was used politically and in a partisan context, and wrongly at that to identify fictitious threats to national security, does not ameliorate and only compounds concerns about how these powers were used and how they may be used again in the future.

Intelligence and surveillance powers are war powers. They are designed to identify targets, usually military, for purposes of eliminating threats to national security in the event of war. Their use, therefore, is itself an act of war, including when it is used domestically.

The American people are told that these powers are essential to defending national security. But used wrongly, as they were in spygate, they become themselves the greatest threat to national security and the Constitution.

The fact that it was used politically and in a partisan context, and wrongly at that to identify fictitious threats to national security, does not ameliorate and only compounds concerns about how these powers were used and how they may be used again in the future.

To create accountability when this sort of thing happens, there must be an accounting of how these powers were wrongly deployed in the first place, highlighting the need for oversight by Horowitz, but it must be followed up by action by Attorney General William Barr. Why did the Foreign Intelligence Surveillance Court repeatedly rubber stamp the warrant applications against the Trump campaign that found no conspiracy? Why did judges keep renewing it if it wasn't true?

What was the extent of the surveillance? Who did it net? Were they in the White House? It seems hard to believe they weren't.

Moreover, what laws (if any) were violated and who will be held accountable so the American people can have certainty that these powers are not abused again in the future?

The worst possible outcome of the Horowitz report would be if it found that, yes, the FBI and Justice Department were given bad, concocted intelligence by political actors, including the DNC and Hillary Clinton campaign who hired former British spy Christopher Steele to produce the bogus allegations that President Trump was a Russian agent, used in the Foreign Intelligence Surveillance Court to violate their constitutional rights, but that doing so violated no laws.

This dilemma, more than anything, will come to define Barr's tenure in office as well as determine whether the national rift caused by the abuse of surveillance powers can ever be mended.

This was a blow on democracy itself, an effort to overturn a decisive electoral outcome in 2016. A place the Justice Department and intelligence agencies have little role in interfering. What we did to ourselves pales in comparison to anything Russia was accused of.

The whole reason the Foreign Intelligence Surveillance Act of 1978 was adopted was prevent unconstitutional domestic spying. A select committee headed by Sen. Frank Church (D-Idaho) convened in 1975 to get to the bottom of revelations by Seymour Hersh's explosive report to the New York Times on Dec. 22, 1974 that the CIA had been engaged a mass, domestic surveillance program against anti-war protestors, members of Congress and other political figures.

On NBC's Meet the Press on Aug. 17, 1975, Church who had led the committee warned, "If this government ever became a tyranny, if a dictator ever took charge in this country, the technological capacity that the intelligence community has given the government could enable it to impose total tyranny, and there would be no way to fight back because the most careful effort to combine together in resistance to the government, no matter how privately it was done, is within the reach of the government to know. Such is the capability of this technology..."

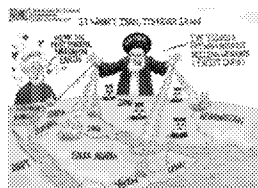
Church added, "I don't want to see this country ever go across the bridge. I know the capacity that is there to make tyranny total in America, and we must see to it that this agency and all agencies that possess this technology operate within the law and under proper supervision so that we never cross over that abyss. That is the abyss from which there is no return."

The committee led to the adoption of the law, which sought to reform how intelligence is gathered and the limited circumstances it can be used in the U.S. If 40 years later, the Justice Department concludes an internal review into the gravest abuses of this law ever seen, where surveillance was used to yield partisan political advantage and even to unseat a sitting president on made-up allegations of treason, that it violated no laws, it will discredit the very rule of law FISA sought to engender.

The real dilemma Attorney General Barr faces is the reality that if the perpetrators of spygate are not held accountable now, and the mass surveillance powers reined in, this will happen again. This was one of the most terrible things that ever happened to our country. How do we put the genie back in the bottle?

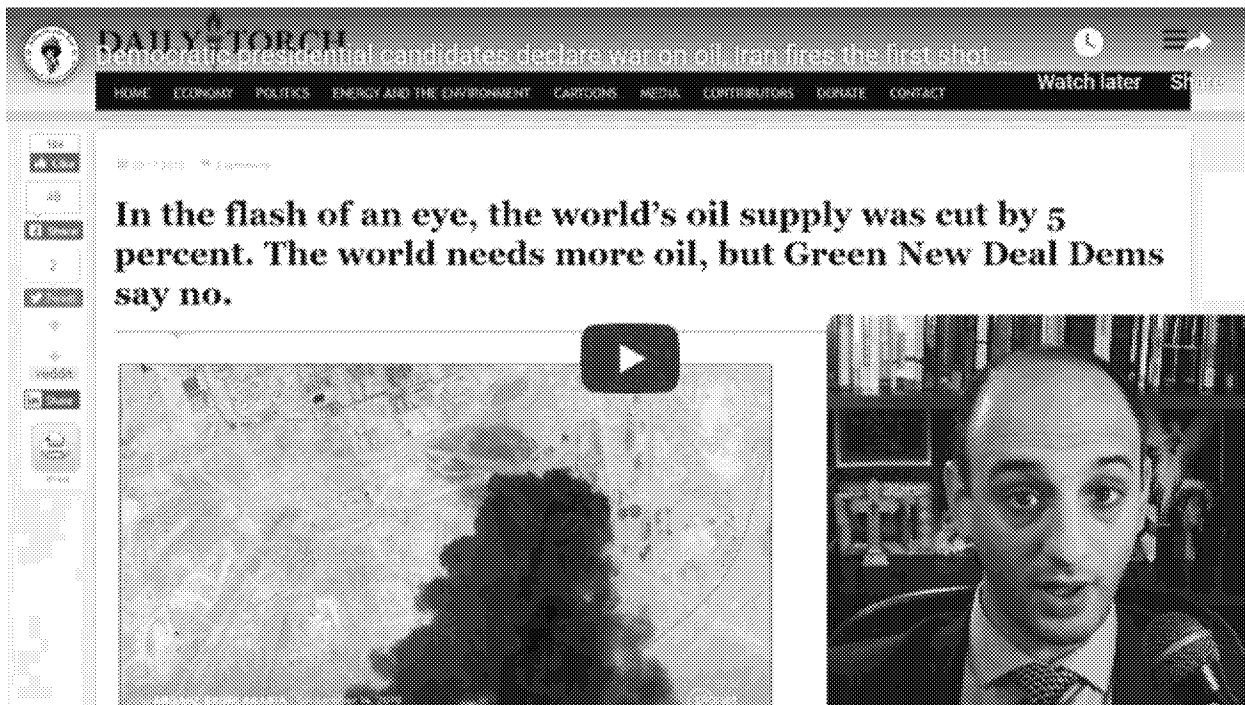
Robert Romano is the Vice President of Public Policy at Americans for Limited Government.

Cartoon: Never Iran



[Click here for a higher level resolution version.](#)

Video: Democratic presidential candidates declare war on oil, Iran fires the first shot on Saudi Arabia



To view online: <https://www.youtube.com/watch?v=wXUckKbeNw8>



San Francisco, Los Angeles and Seattle should be held to Clean Water Act standards as human waste pollutes their waterways

Sept. 19, 2019, Fairfax, Va.—Americans for Limited Government President Rick Manning today issued the following statement in reaction to President Donald Trump calling on the EPA to take Clean Water Act action against west coast cities that put human waste into natural waterways:

“In March of 2018, San Diego County, California cities of Imperial Beach and Chula Vista sued the International Boundary & Water Commission-United States Section and Veolia Water North America West over the ‘devastating pollution discharges’ from the Tijuana River. Last night, President Trump stated that he anticipated that the United States Environmental Protection Agency will take action against San Francisco and potentially, Los Angeles, which have exacerbated a homeless problem to such an extent that they are polluting the Pacific Ocean with drug needles and raw human waste.

“While some might laugh at the notion that the washing of raw human waste into the San Francisco Bay should be cited by the EPA, the truth is that the effects can be catastrophic. Just last year in Seattle, Washington (which should be in line for EPA sanction as well), opioids were found in mussels pulled from the

Puget Sound. Mussels, which filter sediment for nutrition, became contaminated due to the washing to raw human waste from a drug addicted homeless population directly into the Sound.

“It is beyond ironic that the far-left urban policies of cities like Los Angeles, San Francisco and Seattle are creating an environmental disaster for the coastal sea life which these same politicians claim to revere. An EPA lawsuit holding these eco-socialist elites to the same standards which they would hold a private company should create an existential values clash on the left coast. And hopefully, they will become ‘woke’ to the reality that their urban policies fail to serve any of their purported values.”

To view online: <https://getliberty.org/2019/09/san-francisco-los-angeles-and-seattle-should-be-held-to-clean-water-act-standards-as-human-waste-pollutes-their-waterways/>



ALG Editor's Note: In the following featured editorial from the Wall Street Journal, the board makes the case for President Donald Trump yanking California's Clean Air Act waiver that lets it set its own fuel economy standards:

THE WALL STREET JOURNAL.

California can't go its own way

If you haven't heard, President Trump has declared war on California, the auto industry and the world's climate. Or that's what liberals are saying about his Administration's plans to revoke California's waiver that lets it set national fuel economy rules that raise costs for consumers across the country.

Mr. Trump trolled California progressives during a visit to the Golden State on Wednesday by tweeting that his Administration would yank California's Clean Air Act waiver. The Environmental Protection Agency last year foreshadowed its plans to do so when it proposed relaxing the Obama -era corporate average fuel economy (Cafe) standards.

The 1970 Clean Air Act prohibits states from regulating tailpipe emissions, but it allows California to request a waiver to "meet compelling and extraordinary conditions." This waiver authority was intended to help California reduce tailpipe pollutants such as NOx and sulphur that contribute to smog. The LA haze in those days could be as thick as San Francisco's fog.

Yet the Obama Administration in 2009 issued California a waiver to regulate greenhouse gas emissions despite the lack of legal or environmental justification. The Energy Policy and Conservation Act pre-empts state regulations of fuel economy, and CO2 emissions don't cause smog. CO2 wasn't even considered a pollutant until the Supreme Court's *Massachusetts v. EPA* (2007) decision.

The Trump Administration now has strong economic, regulatory and constitutional reasons to revoke the waiver. California has used its waiver to impose electric car quotas that will raise costs for consumers across the country. Manufacturing an electric car costs \$12,000 more than an equivalent gas-powered vehicle. Despite generous federal and state consumer subsidies, auto makers will probably have to sell EVs below cost in California and raise prices on gas-powered cars everywhere else.

The state's EV mandate doesn't even account for all CO2 emissions since it awards more credit for longer-range batteries, even though they require more energy (and fossil fuels) to manufacture. A Tesla Model S, for instance, receives almost twice as much regulatory credit as a Nissan Leaf. It also provides credit for hydrogen fuel-cell vehicles that derive energy mostly from natural gas. This scheme encourages regulatory arbitrage.

Fair-weather liberal federalists are complaining that the Trump Administration is running over states' rights. Yet the Commerce Clause prohibits states from burdening interstate commerce, and the California rules discriminate against consumers in other states. If California's waiver is allowed to stand, its rules would become the de facto national standard.

Auto makers want regulatory certainty and have urged the Trump Administration to compromise with California to avoid a prolonged legal brawl. But California progressives as usual want it their way or the highway. As Gov. Gavin Newsom declared, "California will prevail because we're leaders in this space."

California intends to sue to enforce its own rules, and the Supreme Court may have an opportunity to consider the case before the end of President Trump's term. If that happens, the Justices might also consider setting guardrails on *Massachusetts v. EPA*, which liberals have invoked to demand climate regulation not authorized by Congress.

Most auto makers are already increasing investment in electric cars to comply with regulations in China and Europe. The Trump Administration isn't prohibiting them from manufacturing more fuel-efficient and electric cars. Liberals call the President a totalitarian, but he's the one giving consumers and businesses a choice.

[Permalink here.](#)

This email is intended for wheeler.andrew@epa.gov.
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From: Americans for Limited Government [media@limitgov.org]
Sent: 9/19/2019 6:14:59 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: San Francisco, Los Angeles and Seattle should be held to Clean Water Act standards as human waste pollutes their waterways

Human waste polluting natural waterways



For Immediate Release

Contact: Robert Romano

Sept. 19, 2019

Phone: 703-383-0880 ext. 1

San Francisco, Los Angeles and Seattle should be held to Clean Water Act standards as human waste pollutes their waterways

Sept. 19, 2019, Fairfax, Va.—Americans for Limited Government President Rick Manning today issued the following statement in reaction to President Donald Trump calling on the EPA to take Clean Water Act action against west coast cities that put human waste into natural waterways:

“In March of 2018, San Diego County, California cities of Imperial Beach and Chula Vista sued the International Boundary & Water Commission-United States Section and Veolia Water North America West over the ‘devastating pollution discharges’ from the Tijuana River. Last night, President Trump stated that he anticipated that the United States Environmental Protection Agency will take action against San Francisco and potentially, Los Angeles, which have exacerbated a homeless problem to such an extent that they are polluting the Pacific Ocean with drug needles and raw human waste.

“While some might laugh at the notion that the washing of raw human waste into the San Francisco Bay should be cited by the EPA, the truth is that the effects can be catastrophic. Just last year in Seattle, Washington (which should be in line for EPA sanction as well), opioids were found in mussels pulled from the Puget Sound. Mussels, which filter sediment for nutrition, became contaminated due to the washing to raw human waste from a drug addicted homeless population directly into the Sound.

“It is beyond ironic that the far-left urban policies of cities like Los Angeles, San Francisco and Seattle are creating an environmental disaster for the coastal sea life which these same politicians claim to revere. An EPA lawsuit holding these eco-socialist elites to the same standards which they would hold a private company

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Interview Availability: Please contact Americans for Limited Government at 703-383-0880 ext. 1 or at media@limitgov.org.

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Americans for Limited Government is dedicated to fighting for the survival of America by restoring constitutionally limited government, allowing individuals to pursue life, liberty and happiness. For more information on ALG please visit our website at www.getliberty.org and www.dailytorch.com.

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